

2004P01641 - Application No. 10/590,757
Response to Office action November 19, 2008
Response submitted February 19, 2009

Drawing Amendments

The attached sheet of drawings includes new Fig. 3. This sheet which includes Fig. 3, is a new sheet in which the pressure roller having taperings.

Attachments: New Sheet

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 5-11 are now in the application. Claims 5-9 have been amended. Claims 10 and 11 are being added. Support for claims 10 and 11 can be found in Figs. 1 and 2. No new matter has been added.

In item 1 on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

The Examiner stated that "the diameter taperings of the second profile roller" must be shown of the features cancelled from the claims. As noted above, Fig. 3 was added to show the embodiment of the profiled pressure roller. Therefore, the objection to the drawings by the Examiner have been overcome.

In item 2 on page 3 of the Office action the specification has been objected to as failing to provide proper antecedent basis for the claimed subject matter.

The Examiner stated that the diameter taperings of the second profile roller must be shown. Claim 8 has been amended to

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recite a profiled pressure roller. The profiled pressure roller is disclosed on page 5, lines 4-7 of the specification. Therefore, the objection to the specification by the Examiner has been overcome.

In item 3 on page 3 of the Office action claim 5 has been objected to because of the following informalities.

The Examiner stated that "so that the second belt continuous to transport" should be "so that the second belt continues to transport." Claim 5 has been amended so as to correct the formalistic error and further clarify the claims. Therefore, the objection to claim 5 to by the Examiner has been overcome.

In item 5-9 on page 3 of the above-identified Office action, claims 1-5 have been rejected as being indefinite under 35 U.S.C. § 112.

The Examiner stated that in claims 5-8, there is insufficient antecedent basis for the limitation of "the diameter taperings of the first profile roller". Claims 5-8 have been amended so as to further clarify the claims. Therefore, the rejection has been overcome.

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The Examiner alleges that there is insufficient antecedent basis for the "the pressure means". It is respectfully noted that it is quite clear that the pressure means refers to "deflectable pressure means" as there are no other pressure means in the claim. Nevertheless, in order to further clarify the claims, claims 7-9 have been amended to add "deflectable". Therefore, the rejection of claims 7-9 has been overcome.

The Examiner stated that in claim 8, it is unclear if "its" refers to the second profile roller. Claims 8 has been amended so as to further clarify the claim. Therefore, the rejection of claim 8 has been overcome.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 8 on page 4 of the Office action, claims 5, 6, 8, and 9 have been rejected as being fully anticipated by Pierre et

al. (FR 2 686 868) (hereinafter "Pierre") under 35 U.S.C. §
102.

As will be explained below, it is believed that the claims
were patentable over the cited art in their original form and
the claims have, therefore, not been amended to overcome the
references.

Before discussing the prior art in detail, it is believed that
a brief review of the invention as claimed, would be helpful.

Claim 5 calls for, *inter alia*:

deflectable pressure means disposed to press the postal items
into the diameter taperings of the first profile roller to
reduce free flexible lengths of the postal items.

On page 4 of the Office action, the Examiner alleges that
Pierre discloses "a deflectable pressure means (9a) comprising
a second profile roller."

It is respectfully noted that the Examiner's allegation is not
accurate. More specifically, Pierre does not disclose that
the elements (9a) are deflectable. In fact, contrary thereto,
the Figures of Pierre show that the elements (9a) are disposed

on a fixed shaft mounted in a wall (Fig. 3). Therefore, Pierre does not disclose that the elements (9a) are deflectable. Accordingly, it is respectfully noted that the Examiner's allegation with respect to the deflectable pressure means, are not accurate.

As seen from the above-given remarks, the reference does not show deflectable pressure means disposed to press the postal items into the diameter taperings of the first profile roller to reduce free flexible lengths of the postal items, as recited in claim 5 of the instant application.

Since claim 5 is allowable, dependent claims 6, 8, and 9-11 are allowable as well.

Even though claim 8 is allowable, the following further remarks pertain to claim 8. The Examiner alleges that Pierre discloses a second profile roller (9a). However, Pierre does not disclose that the roller (9a) has any taperings. Instead, Pierre discloses that the roller is of constant diameter. Therefore, Pierre does not disclose a profiled pressure roller having a profile that corresponds to a profile of the profile roller, wherein the profiled pressure roller is disposed such that diameter taperings thereof are located at heights of untapered sections of the profile roller.

In item 9 on page 4 of the Office action, claim 7 has been rejected as being obvious over Pierre (FR 2 686 868) in view of Okui et al. (U.S. Patent No. 5,931,455) (hereinafter "Okui") under 35 U.S.C. § 103. Okui does not make up for the above-noted deficiencies of Pierre. Since claim 5 is allowable, dependent claim 7 is allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5. Claim 5 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 5, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 5-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

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